



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

John and Susan Temple/Map 194, Lot 8

May 4, 2011

Applicant: John and Susan Temple c/o Ames Associates
164 NH Route 25
Meredith, NH 03253

Location: 224 Krainewood Drive, Moultonborough, NH (Tax Map 194, Lot 8)

On April 20, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of John and Susan Temple (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III (B)(4) to allow for removal of the existing residential structure and reconstruction of a new dwelling unit within the fifty (50) foot lake setback on the parcel located in the Agricultural Residential (AR) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 224 Krainewood Drive (Tax Map 194, Lot 8).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public Hearing by Dan Ellis of Ames and Associates.
- 4) The lot is located in the Agricultural Residential (AR) Zoning District.
- 5) Nicole Roseberry, ZBA Alternate, recused herself from this application.
- 6) The existing house is located within the fifty (50) foot lake setback.
- 7) The proposed new dwelling unit will be constructed in the exact location of the intrusion into the lake setback as the current structure. The location will be determined by surveying and staking the location prior to construction to the new dwelling.

- 8) The property is located on a steeply sloping and narrow lot, limiting the locations for possible septic system relocation and expansion of the dwelling unit.
- 9) There shall be no increase in the amount of intrusion into the lake setback for the new dwelling unit.
- 10) A professional inspection determined that the existing structure was not sound to be used for the proposed addition.
- 11) There were no other possible locations for the leach field, either on, or off-site.
- 12) The septic design has been approved by NHDES.
- 13) A NHDES Shoreland Permit is pending on the application.
- 14) There shall be an overall reduction of 315 sq.ft. of impervious surface in the setback with the new proposed dwelling.
- 15) No members of the public wished to speak on the application.
- 16) The existing carport and shed are to be removed.
- 17) Granting the Variance will not be contrary to the public interest as the lot is sufficiently remaining as it was with regard to the setback intrusion and the area consists of small lots with waterfront homes on them.
- 18) Granting the Variance is consistent with the spirit of the Ordinance as the proposal is not increasing the amount of the intrusion.
- 19) By granting the Variance, substantial justice is done.
- 20) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised similar lakefront lots.
- 21) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot size and location were pre-existing to zoning and create a very small available building envelope in which to build any addition.
- 22) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Nolin, Heal, McCarthy), and none (0) opposed to continue the Public Hearing to May 4, 2011, and to direct the Town Planner to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the May 4, 2011 Regular Meeting with the conditions that a foundation survey be completed prior to new construction beginning for the new dwelling, a NHDES Shoreland Permit be obtained prior to construction, and the site be constructed in accordance with the plans submitted to the Board.

The Board of Adjustment continued the Public Hearing to May 4, 2011. The Board of Adjustment closed the public portion of the hearing on May 4, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Heal, Nolin, Zewski), none (0) opposed, to **GRANT** the request for Variance, subject to the following conditions:

- 1.) The applicant must have a foundation survey conducted of the existing structure and build within the limits of the existing structure within the setback.
- 2.) The applicant must obtain a NHDES Shoreland Permit for the site.
- 3.) The applicant shall construct the site in conformance with the plans entitled “Shoreland Application Plan, Proposed Conditions, land of John and Susan temple, Tax Map 194, Lot 8”, dated April 4, 2011 created by Ames Associates. Any amendment to these plans shall require the applicant to return to the ZBA and request an amendment to this Notice of Decision.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____